REMARKS

Claims 1-26 are pending in the application. Claims 14-22 have been withdrawn while claims 23-26 are new.

Claims 1, 3, 6, and 13 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 3,682,185 to Murray et al. Claims 1- 2 and 4 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 3,251,337 to Latta et al. Claim 5 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over a combination of Murray et al. and U.S. Patent No. 5,464,650 to Berg et al. Claim 11 stands rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over Murray et al. in view of U.S. Patent No. 5,352,261 to Aikawa et al. Claims 1-3 and 5-7 stand rejected under 35 U.S.C. 102(b) as allegedly being anticipated by U.S. Patent No. 6,368,658 to Schwarz et al.

Claim 3 stands rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter of the invention.

Claims 8-10 and 12 have been objected to as being dependent upon a rejected base claim but otherwise allowable.

Claims 14-22 have been withdrawn as being directed to a non-elected group of claims.

Claim 1 has been amended to claim different features of the invention and to more broadly claim the invention.

Background

Figs. 1 and 2 show a processing chamber with fluid passages positioned and sized to create a buffer zone in accord with an embodiment of the present invention. The buffer zone 22 in these figures has a size and force such that it not only surrounds the external outward surface of the medical device but also that it retards or prevents contact between the medical implant 14 and the inside surfaces of the processing chamber 10. In so doing, coatings or other treatments of the medical device may be applied with little or no damage caused by unwanted contact with the treatment chamber during processing.

The Cited References

The undersigned submits that none of the cited references at least disclose or suggest "a plurality of fluid passages ... positioned and sized to create a buffer zone of compressible fluid between the inside surface of the treatment chamber and a medical implant," as recited in claim 1. At least based on this distinction, the claims are patentable over the cited references. Moreover, as none the cited references disclose or suggest this language, the impropriety of combining the references need not be addressed.

One common shortcoming of the cited references alleged to anticipate the claims is that none of them create a buffer zone of compressible fluid (a zone of fluid that serves to retard or prevent unwanted contact, see, e.g., spec. at ¶ 17) around a medical implant as recited in claim 1. In Latta, for instance, particles placed in the chamber 10 randomly collide with each other and the walls of the chamber as they are lifted up and away from the ports 14 and 14' by the circulating fluid. There is no discussion in Latta of preventing the particles from contacting each other or the walls of the chamber 10. In fact, in Latta, the exact opposite is true, as the particles are intended to contact the inner walls of the chamber - the name of the inside walls, "contacting... wall[s]," confirms this.

Murray, likewise, fails to teach or suggest the cited language. For one, Murray, which regards plating wire, is not relevant prior art to this application as it does not enable one of skill to treat medical implants in a buffer zone of compressible fluids. Indeed, even if Murray were prior art, it would not render the claims unpatentable. In Murray, the device being coated is not suspended or buffered by fluid in the chamber. Rather, the wire is supported from outside of the chamber by other lengths of wire, the fluid in Murray plays no part in suspending or buffering the wire from the chamber. Thus, the claims are patentable over Murray.

Schwarz also fails. It regards a coating operation that suspends medical devices in a fluid that causes the devices to collide with one another and the vessel wall 120 during the coating process. This can clearly be seen in Fig. 1. There is no discussion or suggestion in Schwarz that the fluidized bed would buffer the medical devices as claimed. Rather, the devices are simply thrown about, randomly crashing into one another and the walls of the chamber as they circulate and are coated.

CONCLUSION

It is respectfully submitted that the foregoing remarks demonstrate that the application is in condition for allowance and prompt notification thereof is respectfully requested.

The Office is hereby authorized to charge any fees required under 37 C.F.R. § 1.16 or § 1.17 or credit any overpayments to Kenyon & Kenyon Deposit Account No. 11-0600.

The Examiner is invited to contact the undersigned to discuss any matter regarding this application.

Respectfully submitted,

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